IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Contempt Petition No. 172 of 2007
IN
Writ Petition No.3152 of 2005 [decided]
[Radharaman Sansthan Vs. Jaikumar S. Chandak]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. R.K. Thakkar, Advocate for the petitioner.
Mr. M.G. Sarda, Advocate for respondent sole.

CORAM : A.H. JOSHI, J.

DATE : 04th December,2007.

1. Heard.

2. This Court, in its Judgment and Order dated 4th September, 2006, rendered in Writ Petition No. 3152 of 2005, directed that the offer of respondent no.3 therein, who is present petitioner, be accepted, and he was permitted to deposit a sum of Rs.7,20,000-00 in this Court and pay balance directly to the Trust.

3. The Trust claims that the insistence of respondent no.3 for measurement before he pays the balance amount and delay getting the

conveyance executed in his favour in itself is contempt.

4. The respondent has discharged his substantial burden by paying a sum of Rs. 7,20,000-00 out of the agreed sum of Rs. 8,00,000-00. The balance could be paid at any moment.

5. Any purchaser would insist upon identification of the property by measurement of boundaries. Such insistence and demand would not entail an action of disobedience of order passed by this Court. Moreover, the direction to execute sale-deed was issued against the Trust in the petition which was filed by present contemnor. In no circumstances, any of the failures or overtacts on the part of respondent is shown, due to which the respondent can be said to have indulged into an act of willful disobedience.

6. The petitioner has failed to make out a case of willful disobedience by and on the part of respondent. No cognizance can be taken. Contempt Petition is, therefore, dismissed.

Judge

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